

PCT/JBA 60425NO(7021)

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:  
Edwards & Angell, LLP  
Attn. Alexander, John B.  
P.O. Box 9169  
Boston, MA 02209  
UNITED STATES OF AMERICA

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APR 07 2004

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NOTIFICATION OF RECEIPT  
OF SEARCH COPY

(PCT Rule 25.1)

Date of mailing  
(day/month/year)

29/03/2004

Applicant's or agent's file reference

60425 PCT

IMPORTANT NOTIFICATION

International application No.

PCT/US 03/39607

International filing date(day/month/year)

12/12/2003

Priority date (day/month/year)

13/12/2002

Applicant

NEUROGEN CORPORATION

**1. Where the International Searching Authority and the Receiving Office are not the same office:**

The applicant is hereby notified that the search copy of the international application was received by this International Searching Authority on the date indicated below.

**Where the International Searching Authority and the Receiving Office are the same office:**

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23/02/2004 (date of receipt).

2. ☐ The search copy was accompanied by a nucleotide and/or amino acid sequence listing in computer readable form.

**3. Time limit for establishment of International Search Report**

The applicant is informed that the time limit for establishing the International Search Report is 3 months from the date of receipt indicated above or 9 months from the priority date, whichever time limit expires later

4. A copy of this notification has been sent to the International Bureau and, where the first sentence of paragraph 1 applies, to the Receiving Office.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
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ISA/EP

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COMMUNICATION IN CASES FOR WHICH  
NO OTHER FORM IS APPLICABLE

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(day/month/year) 29/03/2004

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REPLY DUE

See paragraph 1 below

International application No.

PCT/US 03/39607

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Applicant

NEUROGEN CORPORATION

1. ☐ REPLY DUE within ~~XXXX~~ days from the above date of mailing

☒ NO REPLY DUE

2. COMMUNICATION:

The applicant is informed that establishment of the international search report (ISR) for non first-filings may be delayed due to a current search backlog.

Although the time limit for entering the national phase before designated offices under Article 22(1) PCT and elected offices under Article 39(1) PCT has, with effect from 1 April 2002 (see PCT Gazette 44/2001 Section IV) been set at 30 months from the priority date (before the EPO the time limit is 31 months from the priority date - see Rule 107 EPC as amended with effect from 2 January 2002 - OJ EPO 8-9/2001, 373) **not all PCT contracting states have yet made the necessary changes to their national laws and will for the time being continue to require entry to the national phase at 20/21 months from the priority date if a demand has not been filed before the end of 19 months from the priority date** - see PCT Gazette/PCT Newsletter available on the WIPO internet site at <http://www.wipo.int/pct/en/index.html> for an up to date list of the applicable time limits.

In these circumstances, the EPO acting as IPEA will accept, without any late payment fee under Rule 58bis PCT, the handling fee and the preliminary examination fee due in respect of the demand relating to the present application, even if they are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, **provided that they are paid within one month from the date of transmittal of the ISR**; i.e., the EPO will only send an invitation pursuant to Rule 58bis.1(a) PCT after expiry of this one-month period. In all cases where the EPO has sent an invitation to pay and the applicant has not paid in full the amount due, the demand shall be considered as if it had not been submitted (Rule 58bis.1(b)-(d) PCT). A loss of rights may well be the consequence in designated states where the time limit for entry into the national phase under Article 22 PCT has already expired (see also Article 37(4) PCT).

Note that if the competent IPEA chosen by the applicant is not the EPO and if the fees mentioned above are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, the competent IPEA is entitled to apply Rule 58bis.1(a) PCT immediately thereafter.

If your application is affected, we apologise for any inconvenience caused.

Finally, applicants are reminded that as of 3 January 2002 a rationalised PCT II procedure may apply, see OJ EPO 11/2001, 539 and that the EPO as ISA will not carry out international search on an application which relates to no more than a method of doing business, see OJ EPO 10/2001, 482. Applicants should also bear in mind the restriction of the EPO's competence as ISA and IPEA in certain technical fields in respect of certain international applications, see OJ EPO 1/2002, 52 and PCT Newsletter 1/2002 for further details.

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